



The Rt. Hon. Sir Andrew Morritt  
The Chancellor of the High Court  
Royal Courts of Justice  
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Judge James M. Peck.  
United States Bankruptcy Court  
Southern District of New York  
Alexander Hamilton U.S. Custom House  
One Bowling Green  
NEW YORK  
New York 10004-1408  
USA

9<sup>th</sup> September 2009

*Dear Judge,*

Re: Perpetual Trustee Co. Ltd -v- BNY Corporate Trustee Services Ltd., et al., Nos. HC09CO11612 & HC09CO1931 (the "High Court Proceedings"); Lehman Brothers Special Financing Inc. et al. -v- BNY Corporate Trustee Services Ltd., Adv. Pro. No. 09-1242 (JMP)

Thank you for your letter of 20th August 2009. As you will have been told, I gave permission to appeal my judgment to the Court of Appeal in England and required Lehman Brothers Special Financing Inc to apply to the Court of Appeal for an early hearing. I understand that that application has been made but has not yet been determined. With the possible exception of the indemnification issues to which you refer, I doubt if I will be called on to adjudicate on any other issues until the judgment of the Court of Appeal is available. I would not expect that to be before the hearing before you scheduled to take place during the week of November 16th. I will, in any event but subject to any submissions made to me by any of the parties, have regard to your request.

I look forward to receiving your rulings in due course and any further requests you decide to make. In that connection I should point out that the judge I have nominated to determine all issues in the insolvency of Lehman Brothers companies in England is the Hon Mr Justice Briggs. At the moment my involvement is limited to the claims instituted by Perpetual Trustee Co. Ltd and Belmont. Depending on their nature, it may be that your requests should be directed to him as well as, or instead of, me. Accordingly I am sending a copy of our correspondence to him for his information.

I look forward to receiving your communications and further co-operating with you in the future. If you find it more convenient to communicate by e-mail this is my secretary's address: [elaine.harbert@judiciary.gsi.gov.uk](mailto:elaine.harbert@judiciary.gsi.gov.uk)

*L. Lively*  
*Andrew Aspinall*

Cc: The Hon. Mr Justice Briggs  
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